

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI**

Northern Division

DANA CRISWELL,

Plaintiff,

vs.

CHOKWE ANTAR LUMUMBA, in his official capacity of Mayor of Jackson, Mississippi, and CITY OF JACKSON, MISSISSIPPI,

Defendants.

Civil Action No.: 3:20-cv-294-DPJ-FKB

**PLAINTIFF'S MEMORANDUM IN SUPPORT OF HIS
MOTION FOR TEMPORARY RESTRAINING ORDER
OR PRELIMINARY INJUNCTION**

COMES NOW, the Plaintiff, Dana Criswell, by and through his undersigned counsel, and files this Motion to a Temporary Restraining Order or Preliminary Injunction, pursuant to Rules 65(b)(1) and 65(a) of the Federal Rules of Civil Procedure, and in support of which, he would show unto the Court the following:

1. Plaintiff is likely to succeed on the merits of his claim.
2. The harm from the Open Carry Ban is actual and immediate.
3. The “balance of harms” favor Plaintiff.
4. The public interest will be best served by issues a temporary restraining order or preliminary injunction.
5. Plaintiff’s counsel has attempted to provide notice to Defendants, and notice should not be required.

6. In support of this motion, Plaintiff relies on the accompanying memorandum of law, filed contemporaneously herewith, as well as the following exhibits, attached hereto:

- Exhibit “1”, Uniform Crime Reports.

CONCLUSION

For the foregoing reasons, Plaintiff requests the Court grant its Motion, issue a Temporary Restraining Order without notice, or alternatively, a Preliminary Injunction, enjoining Defendants and their agents from enforcing and applying the Open Carry Ban in any way, and grant such other relief to which Plaintiff is entitled.

RESPECTFULLY SUBMITTED, this the 29th day of April, 2020.

/s/ Aaron R. Rice
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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I, Aaron R. Rice, counsel for Plaintiff, hereby certify that the foregoing document has been filed using the Court’s ECF filing system and thereby served on all counsel of record who have

entered their appearance in this action to date. **Additionally, I certify that a process server will be retained today to attempt to personally serve the foregoing document on any parties who have not had counsel of record enter their appearance in this action to date.**

This the 29th day of April, 2020.

/s/ Aaron R. Rice

Aaron R. Rice